

19th October 2023

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James Fintan Lalor Ave,
Portlaoise,
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Offaly County Council,
Áras an Chontae,
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Issues Paper for the Portarlington Joint Local Area Plan 2024-2030

A chara,

Thank you for both your authorities' work in preparing the Issues Paper (the Issues Paper) for the proposed Portarlington Joint Local Area Plan 2024-2030 (the JLAP).

The Office of the Planning Regulator (the Office) welcomes the publishing of an Issues Paper for the JLAP by Laois County Council and Offaly County Council, and commends the planning authorities for engaging proactively with the public and for notifying the Office of their intention to prepare the draft JLAP.

In accordance with the provisions of section 31AO of the *Planning and Development Act 2000*, as amended (the Act), the Office is obliged to evaluate and assess local area plans to ensure alignment with national and regional planning policy and the objectives of the relevant county development plans.

The Office has set out some broad issues relevant to the preparation of joint local area plans, in addition to some specific issues of particular relevance to the preparation of this JLAP, under the following headings:

1. [Strategic policy framework](#)

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2. [Development plan and core strategy](#)
3. [Zoning, compact growth and infrastructural services](#)
4. [Regeneration](#)
5. [Education, social and community amenities](#)
6. [Economic development, employment and retail](#)
7. [Transport and mobility](#)
8. [Climate change, including flood risk management](#)
9. [Environment, built and natural heritage](#)
10. [Implementation and monitoring](#)

The comments are offered without prejudice to any observations and recommendations by the Office at future stages of the plan-making process. They also do not affect the obligation on your planning authorities to comply with the relevant legislative requirements, or to be consistent with the fullness of the detailed policy context of the higher order plans and strategies and Ministerial guidelines.

1. Strategic Policy Framework

Section 20(5) of the Act requires the JLAP to be consistent with the objectives of the Eastern and Midland Regional Assembly (EMRA) Regional Spatial and Economic Strategy (RSES), *National Planning Framework* (NPF), the specific planning policy requirements (SPPRs) of section 28 guidelines and the relevant development plans.

The Office encourages the planning authorities to liaise with EMRA in preparation of the draft JLAP, particularly where clarity is required on how the objectives and guiding principles set out in the RSES relate to the draft JLAP.

2. Development plan and core strategy

Section 19(2)(b) of the Act requires the JLAP to be consistent with the objectives of the respective development plans and their core strategies. This is also a key message of the section 28 *Local Area Plans Guidelines for Planning Authorities* (2013) (LAP Guidelines).

In this regard, the Office notes that the core strategy of the Laois County Development Plan 2021-2027 (Laois CDP) provides for a population increase of 1,000 persons with a



requirement for 400 housing units and 13.3 hectares of residential land over the plan period. The core strategy of the Offaly County Development Plan 2021-2027 (Offaly CDP) provides for an increase of 207 persons with a requirement for 140 housing units and 4.6 hectares of residential land over the 2021-2027 plan period.

A key part of the Office's assessment of the draft JLAP is to consider whether the objectives and zoning provisions of the draft JLAP are consistent with the level of growth set out in the core strategy for the settlement for Portarlinton. In this regard the draft JLAP should ensure land use zoning is consistent with the core strategy.

3. Zoning, compact growth and infrastructural services

The Office notes that Portarlinton has not been zoned in either of the Development Plans. In this regard, our assessment will carefully consider whether proposed zoning objectives can demonstrate consistency with the objectives for compact growth and densification¹ under the NPF (NPO 3, NPO 35) and the RSES (RPO 3.2). The implementation of effective compact growth to avoid urban sprawl also plays a key role in climate change mitigation.

Zoning objectives should also be consistent with any strategic development sites for the delivery of residential, employment or other uses identified in the RSES.

In relation to residential development, any provisions or standards for density or building height in the draft JLAP should have regard to relevant section 28 guidelines and any SPPRs therein, including:

- *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas: Cities, Towns & Villages (2009);*
- *Urban Development and Building Heights Guidelines for Planning Authorities (2018);* and
- *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022).*

¹ Including through reductions in vacancy, re-use of existing buildings, infill development, area or site-based regeneration and increase building heights.

The planning authorities' attention is also drawn to the *Draft Sustainable and Compact Settlements Guidelines for Planning Authorities (2023)*.

Land use zoning should follow a sequential approach so that the development of lands closest to the town centre are prioritised over lands on the outskirts of the town, having regard to the policy and objective and other provisions set out under section 6.2.3 of the *Development Plans, Guidelines for Planning Authorities (2022)* (the Development Plans Guidelines).

The planning authorities also need to ensure that lands that cannot be serviced within the lifetime of the JLAP are not zoned for development, consistent with the tiered approach to zoning under NPO 72 a-c of the NPF. In this regard, an infrastructure assessment should be prepared in accordance with Appendix 3 of the NPF and section 4.5.2 (Settlement Capacity Audit) of the Development Plans Guidelines.

The Office notes that Uisce Éireann has identified sufficient capacity for wastewater services and potential spare capacity for water supply for the town to meet the level of growth identified in the core strategies. The planning authorities are advised to liaise closely with the relevant prescribed authorities concerning the delivery of essential services and infrastructure.

4. Regeneration

Both the NPF (NPO 4 urban places, NPO 6 urban regeneration, NPO 18a proportionate growth, NPO 18b new homes and NPO 35 increasing residential use) and the policy objectives of the RSES emphasise the importance of opportunities for urban and village regeneration to create attractive, liveable, and high quality urban places. The reuse of brownfield sites and vacant buildings will also contribute to climate change mitigation.

Laois CDP Policy CS 23 seeks to prepare an Urban Regeneration Strategy for this historic town which is supported by the Office, and should inform or be integrated into the JLAP. Laois CDP also identifies two key regeneration sites within the town at Cooltederry and Foxcroft Street, while the Offaly CDP identified three Opportunity sites to the north of the town. The draft JLAP should ensure appropriate policies are in place to support the delivery of these sites.

The JLAP also provides an opportunity to identify any further opportunity and regeneration sites, or vacant or underutilised buildings, in accordance with the guiding principles of the

RSES for urban infill and regeneration, where applicable. Where such sites are identified, the planning authorities should prepare a development framework for future development with appropriate guidance regarding layout, massing, permeability, green infrastructure and Sustainable urban Drainage Systems (SuDS) etc., as set out in section 5.7 of the LAP Guidelines.

The Office acknowledges Laois CDP Policy HPO 5 and Offaly CDP Policy RO-07 which seeks to engage in active land management and site activation measures. The Office recommends that the JLAP supports this policy and provides a strong policy framework to support the utilisation of existing buildings, brownfield/infill sites, and derelict and underutilised sites.

In this regard, the planning authorities should consider proactive land activation measures including powers for land acquisition / compulsory purchase and derelict sites and vacant land. The plan should also align with sources of funding to facilitate key regeneration projects such as the recently announced *Croí Cónaithe (Towns) Fund Scheme*, and Town Centre First-aligned funding streams under the Government's *Town Centre First: A Policy Approach for Irish Towns (2022)*.

5. Education, social and community and amenities

Access to quality childcare, education and health services is a National Strategic Outcome of the NPF. The JLAP should therefore seek to align population growth with investment in childcare and education facilities on well-located sites within or close to the existing built-up areas, to meet the diverse needs of local populations.

As such, the JLAP should be informed by a social or civic infrastructure audit to establish the capacity of existing facilities, including community centres, leisure, amenity and cultural facilities to serve existing and future residents, and identify the need for any additional facilities.

It is also important that access to existing and proposed facilities by walking or cycling is prioritised consistent with the sustainable approach to settlement and mobility discussed below. In particular, the JLAP should support and enhance the existing local strategies in place to link the River Shannon Blueway, the Royal and Grand Canal Greenways and the proposed Barrow Blueway across the midlands linking to Portarlinton (RPO 6.19).

Specifically in relation to schools, the planning authorities should consult with the Forward Planning and Site Acquisition and Property Management sections of the Department of Education.

The planning authorities' Local Economic and Community Plans and Traveller Accommodation Programmes should also inform the JLAP to provide for the co-ordinated spatial planning of housing and community services for the area.

6. Economic development, employment and retail

The NPF, RSES and section 28 guidelines emphasise the need to take an evidence-based approach to the inclusion of objectives for employment and other commercial uses.

In particular, the JLAP should be aligned with the detailed economic strategy and all relevant guiding principles of the RSES. The RSES does not identify any Strategic Sites in Portarlinton, however, the Office notes that the Laois CDP identifies Key Strategic Employment Initiatives for the town, including strategic lands at SIAC steel site, the former Avon Lands and McMahons site adjoining the train station. The JLAP should ensure an appropriate strategy is provided for the development of these key employment and enterprise generation lands, consistent with the guiding principles of RSES.

In terms of identifying the optimal locations for employment zonings, the key criteria should be compact growth, the sequential approach to development, and the options for active and sustainable transport having regard to the need to mitigate climate change. The reuse of appropriate brownfield sites and vacant premises should also be prioritised.

The facilitation of retail facilities to provide for the anticipated population growth also need to be considered, consistent with the position of the town in the retail hierarchy. Regard should also be had to the application of the sequential approach for the location of future retail development, in addition to the other provisions of the *Retail Planning Guidelines for Planning Authorities (2012)*.

The Office also notes that RPO 6.19 seeks to support tourism objectives for Portarlinton through enhancements of the midlands greenways and blueways. As this has the potential to generate positive economic impacts for the town, the objective should be supported by the JLAP economic strategy.



7. Transport and mobility

The *Climate Action Plan 2023* (Climate Action Plan) identifies the need to significantly reduce car kilometres and increase sustainable journeys, guided by the *National Sustainable Mobility Policy* (2022), in order to meet national greenhouse gas (GHG) emissions reduction targets under the *Climate Action and Low Carbon Development Act 2015*, as amended (Climate Act 2015). The Climate Action Plan also proposes to develop a National Demand Management Strategy.

The integration of land use and transportation is centrally important to this objective and to the objectives and provisions of the NPF (NPO 27 alternatives to the car, NPO 33 location of new homes and NPO 64 air quality, among others) and the RSES (RPO 8.1 integration of transport and land use and RPO 9.10 provide alternatives to car and prioritise walking and cycling).

Laois CDP Policy CS-10 and Offaly CDP Policy SMAO-02 commits to the preparation of a Local Transport Plan (LTP) to inform the JLAP, in consultation with the National Transport Authority (NTA) and Transport Infrastructure Ireland (TII). The preparation of an LTP to inform the JLAP, including its zoning objectives, will help ensure that the JLAP comprises an effective, integrated land use transport strategy to guide the sustainable development of the town into the future.

The NTA's and TII's *Area Based Transport Assessment Advice Note* (2018) (ABTA) and *ABTA How to Guide Guidance Document Pilot Methodology* (2021) should be considered by the planning authorities in preparing the LTP.

In addition, the JLAP should set out an ambitious (but realistic) modal shift target for the area of the JLAP. This would provide focus for and inform the objectives and actions of the JLAP. Further, it would assist the planning authorities in monitoring the success of the LTP and JLAP and provide a benchmark for future improvements.

In order to increase the potential for trips to be made on foot, bicycle or public transport, the JLAP should demonstrate consistency with Avoid-Shift-Improve principle (as per the Climate Action Plan) and the 10-minute town concept (as per the RSES), as well as providing for the proactive implementation of the *Design Manual for Urban Roads and Streets* (revised 2019) and the NTA's *Permeability Best Practice Guide*.

8. Climate change, including flood risk management

It is a National Strategic Outcome of the NPF to transition to a low carbon climate resilient society. The effective implementation of climate mitigation objectives through the JLAP are critical to the achievement of the Government's GHG emissions reduction target to mitigate climate change under the Climate Act 2015.

The efficient use of land, including through infill development and brownfield development consistent with compact growth, will ensure consistency with NPO 53. An integrated approach to land use and transport planning will help ensure that climate action is integral to the JLAP in support of national mitigation targets under the Climate Act 2015. The JLAP should also consider how development in the area might best contribute to the delivery of renewable energy consistent with NPO 55.

In view of the location of Portarlinton on the banks of the River Barrow and the history of flooding, it is likely that flood risk management will be the most critical climate change adaptation measure to be addressed in the JLAP, informed by a Strategic Flood Risk Assessment (SFRA).

The planning authorities should ensure that the JLAP is consistent with NPO 57 by avoiding inappropriate development in areas at risk of flooding, in accordance with the detailed requirements and provisions of section 28 *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines). The Flood Guidelines require a staged approach to flood risk assessment and, in particular, the application of the sequential approach and the requirement to carry out the plan-making justification test where appropriate.

The planning authorities should overlay the flood risk zones on any proposed land use zoning maps to illustrate the potential flood risk arising and to demonstrate how the sequential approach has been applied. The planning authorities are also requested to make a copy of digital mapping data available to the Office and to the Office of Public Works (OPW) to facilitate assessment.

Further, the planning authorities are strongly advised to liaise with the OPW in the early stages of preparing the SFRA to avoid issues arising at draft JLAP stage.

In accordance with NPO 57, the JLAP is required to integrate sustainable water management solutions, such as SuDS. In this regard, the Office draws the planning



authorities' attention to *Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas, Water Sensitive Urban Design, Best Practice Interim Guidance Document (2022)*.

9. Environment, built and natural heritage

The planning authorities are the competent authority for Strategic Environmental Assessment and Appropriate Assessment, and will be aware of the section 28 *Strategic Environmental Assessment Guidelines for Regional Assemblies and Planning Authorities (2022)* and the *Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (2010)*.

The planning authorities should also ensure the JLAP is consistent with objectives of the NPF and RSES concerning environmental protection. In this regard the Office highlights the importance of integrating green and blue infrastructure into the JLAP consistent with NPO 58 and planning for greenbelts (NPO 62). Planning for green and blue infrastructure can contribute to climate change adaptation, in particular flood risk management through nature-based solutions (NPO 57 and NPO 63). It can also make a positive contribution to climate mitigation and have positive impacts on biodiversity and clean area (NPO 64).

In view of the cultural and architectural historic importance and sensitivity of Portarlington, the planning authorities will need to carefully consider what location-specific objectives or measures would assist in the protection or improvement of built heritage over the period of the JLAP. Accordingly, the planning authorities should have regard to the *Architectural Heritage Protection Guidelines for Planning Authorities (2011)*.

10. Implementation and monitoring

The NPF and the RSES place increased emphasis on the importance of monitoring the implementation of statutory strategies and plans to measure plan effectiveness and to continually update a relevant evidence base to inform future planning strategies.

The planning authorities are therefore encouraged to set out specific provisions for monitoring the implementation of the objectives of the JLAP, having regard to the provisions of the Development Plans Guidelines and the LAP Guidelines. In this regard, the approach employed by Limerick City and County Council in its local area plans is considered good practice.



Summary

In summary, the Office commends the local authority for the preparation of this Issues Paper. The Office advises the local authorities to pay particular attention to the following issues in the preparation of the JLAP:

- the delivery of housing in serviced or serviceable areas informed by an infrastructure assessment/settlement capacity audit, consistent with compact growth, the sequential approach and with the respective core strategies;
- the inclusion of appropriate policies and objectives and strategies to promote and prioritise regeneration and the development of infill/brownfield sites and the heritage-sensitive renewal and reuse of vacant and/or derelict buildings, supported by an appropriately detailed active land management strategy;
- the integration of land use and transport planning, including through the preparation of an LTP to inform the JLAP, land use zoning objectives and associated modal share targets, in consultation with the NTA and TII;
- the development of Key Strategic Employment Initiatives for Portarlington and prioritisation of optimal locations for employment zonings, supporting compact growth, the sequential approach and active and sustainable travel modes;
- the inclusion of appropriate policies and objectives to support and enhance linkages from the town to the River Shannon Blueway, the Royal and Grand Canal Greenways and the proposed Barrow Blueway; and
- ensure that the provisions of the JLAP and associated zoning objectives are fully informed by an SFRA, consistent with the Flood Guidelines, in consultation with the OPW, and promote SuDS and nature based solutions as a means of managing surface water run-off.

The Office looks forward to reviewing the future draft JLAP and to continued positive engagement with your authority in the implementation of national and regional policies at the county and local level.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through the undersigned or at plans@opr.ie.



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

Is mise le meas,

A handwritten signature in black ink that reads 'AM O'Connor'.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
